

Sumter City-County Board of Appeals

February 10, 2010

BOA-10-01, 2841 Broad St – Bingo Parlor (County)

I. THE REQUEST

Applicant: Hal Irwin

Status of the Applicant: Contract Purchaser

Request: Special Exception approval for a Bingo Parlor (SIC Code 7999)

Location: 2841 Broad St

Present Use/Zoning: Vacant Structure/GC

Tax Map Reference: 186-04-01-007

II. BACKGROUND

The applicant, Hal Irwin, requests Special Exception use approval to open a bingo parlor at 2841 Broad St. This +/-0.87 acre property is zoned General Commercial (GC) situated at the corner of Broad St. and Mason Rd. in Sumter County. The property has +/-195 ft. of frontage on Broad St. and +/-196 ft. of frontage on Mason Rd. The property contains a +/-8662 sq. ft. commercial building that last served as a furniture store in 2005.





Land Use & Zoning:

The 2030 Comprehensive Plan designates this property as part of the Priority Commercial Corridor (PCC). Priority Corridor locations are designated for protection against undesirable uses such as industrial, automotive repair, or uses primarily engaged in outdoor storage. These locations encourage both destination retail commercial uses and neighborhood commercial uses as appropriate. Design, layout, impact on adjacent properties, landscaping, and architecture all play a vital role in determining context viability.

The staff has visited the site and conducted an on-site review of the surrounding properties. Staff believes that use as a bingo parlor is in keeping with the property's GC zoning designation, and is consistent with the 2030 Comprehensive Plan.

The current zoning for 2841 Broad St. is General Commercial (GC). Bingo Parlors, classified under SIC code 7999, are required to be reviewed and approved as a Special Exception by the Board of Appeal within the GC zoning district. The following table details the surrounding uses and zoning districts for all adjacent properties:

	Zoning	2030 Land Use Designation	Types of Uses	Compatible with proposed use (yes or no)
North	GC	PCC / PCMU	Vacant	Yes
South	GC	PCC	Furniture Store	Yes
East	GC	PCC	Vacant	Yes
West	GC	PCC	Insurance	Yes

PCC = Priority Commercial Corridor, PCMU= Priority Commercial / Mixed Use

A Bingo Parlor is considered compatible with existing adjacent uses. However, this parcel is in the most visible portion of Sumter's principal corridor, at the very "Front Door" of the city of Sumter. Therefore, careful consideration should be given to each use that presents itself within this area, and how that potential business will affect the perceptions of newcomers to the city.

Special Exceptions for bingo parlors are to be evaluated in accordance with Article 1, Section 1.h.4.c; Article 3, Section 3.i.4.h and in accordance with Article 5, Section 5.b.3.n in the Sumter County – Zoning & Development Standards Ordinance.

Article 5 Section 5.b.3.n Bingo Parlor (SIC Code 7999):

1. *This use shall not be within 150 feet (measured in a straight line from structure to structure) of a church, school or public playground that is on a separately platted parcel under different ownership.*

Based on a windshield survey of the neighborhood in conjunction with 2007 aerial photography, Staff determined that there are no churches, schools, or public playgrounds within 150 ft. of the structure at 2841 Broad St.

Article 1 Section 1.h.4.c Special Exceptions:

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*
 - b. *That the special exception will be in substantial harmony with the area in which it is located.*
 - c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

The following can be determined based on 1.h.4.c.1 and 1.h.4.c.2:

1. This site is subject to all development criteria found in the County Zoning ordinance that are triggered when a business has been vacant for six (6) or more months or there is a change in use for the structure. Parking and landscaping for this site will be required to be brought up to code in accordance with Article 6 and Article 8 of the zoning ordinance. This means that the applicant will be required to provide a minimum of 40 parking spaces

(2 spaces to be van accessible handicap spaces) in a paved parking lot with curb and gutter and shall be required to plant an appropriate landscape buffer between his property and the residential property immediately to the east. He will also be required to add additional canopy trees and foundation plantings as required by ordinance. These issues will be addressed at Minor Site Plan review. Staff has evaluated the site and is confident that 40 parking spaces are available at the site. However, the site plan submitted for review does have some bufferyard and landscaping issues to be addressed before final approval. Specifically, the layout of existing parking and retaining walls will prevent installation of 10' bufferyards in front and 5' bufferyards on the sides, as required by the ordinance.

2. Staff finds that the proposed request is in harmony with the area in which it is located. The 2030 Comprehensive Plan designates this area as a Priority Commercial Corridor. This portion of Broad St. serves as the primary point of entry to the city of Sumter for all new residents to the community, including new Shaw Air Force base residents. As part of the primary entrance point on the primary gateway of Sumter's main commercial corridor, it is therefore imperative that each new business in this area improve the character of the district.
3. Staff finds that the special exception will not discourage or negate the use of surrounding property for uses permitted by right in the general commercial zoning district.

III. STAFF RECOMMENDATION

The staff has visited the site, reviewed the request and recommends approval of BOA-10-01.

IV. DRAFT MOTIONS FOR BOA-10-01, February 10, 2010

- A. I move that the Zoning Board of Appeals approve BOA-10-01, subject to the findings of fact and conclusions contained in the draft order, dated February 1, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-01, based on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-01.

V. BOARD OF APPEALS DECISION – February 10, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 10, 2010, voted to approve this request, based on the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Special Exception Application
Board of Zoning Appeals

BOA-10-01, Hal Irwin
2841 Broad Street
February 10, 2010

Date Filed: February 10, 2010

Permit Case No. BOA-10-01

The Sumter Board of Appeals held a public hearing on Wednesday, February 10, 2010 to consider the request of Hal Irwin, for property located at 2841 Broad Street, Sumter, for a special exception for use as a Bingo Parlor (SIC code 7132) from the Zoning Ordinance, as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.q of the Zoning Ordinance which are applicable to the proposed special exception of the Zoning Ordinance ☒ **have** - ☐ **have not** been met based on the following findings of fact:
 - a. There are no churches or schools within 150 feet of the proposed Bingo Parlor.
 - b. The applicant is willing to upgrade landscaping and bufferyards on the site, and understands that certain aspects of this upgrade may still require variances from the ordinance to be approved by the BOA at a later date.
 - c. The applicant is willing to remove one of the entrances from Broad Street in order to increase traffic safety at the site.
2. The Board concludes that the proposed special exception ☐ **will** - ☒ **will not** substantially diminish value of adjacent property or property in the district based on the following findings of fact:
 - a. Two of the adjacent properties are vacant.
 - b. The two adjoining businesses will not be substantially impacted by the addition of a Bingo Parlor at this site.
3. The Board concludes that the proposed special exception ☒ **will** - ☐ **will not** be compatible with uses in the district based on the following findings of fact:

- a. The General Commercial zoning district encourages a variety of uses as its main directive.
- b. The implementation of a business at this location may encourage commercial development on the adjoining vacant parcels.

THE BOARD, THEREFORE, ORDERS that the special exception is ☐ **DENIED** –
☒ **GRANTED, subject to the following conditions:**

The Sumter City-County Board of Appeals at its meeting on, Wednesday, February 10, 2010, voted to approve this special exception request for a Bingo Parlor at 2841 Broad Street. This approval was subject to the findings of fact and conclusions contained in this draft of Exhibit 1.

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.